IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 28060 of 1995

Between:

Singaram Dairies and Poultries, Pratap Singaram
Village, Ghatkesar Mandal, Ranga Reddy District
through its Managing Partner, B.Shashidhar Reddy

..... PETITIONER

AND

1 The District Panchayat Officer,
Ranga Reddy District, Hyderabad.
2 The Divisional Panchayat Officer,
Ranga Reddy East, Hyderabad.
3 The Group Executive Officer, Gram Panchayat,
Pratap Singaram Village, Ghatkesar Mandal,
Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction, declaring and setting aside the order dt. 9.11.95 passed in Procgs.No. B3/1076/94 on the file of the first respondent, as illegal, arbitrary and without jurisdiction.

For the Petitioner: MR.K.RAGHUVEER REDDY, Advocate.

For the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the proceedings, dated 9-11-1995 issued by the first respondent, as illegal, arbitrary and without jurisdiction and to set aside the same.

According to the petitioner-firm, when they are going ahead with the construction of poultry sheds in their land situated in survey Nos.346, 375, 376 and 377 of Pratap Singaram village, Ghatkesar Mandal of Ranga Reddy District, after obtaining necessary permission in accordance with G.O. Ms. No.451, dated 26-8-1988, from the Hyderabad Urban Development Authority (HUDA) vide proceedings dated 24-5-2995, which was also approved by the third respondent, the first respondent at the instance of some political persons, without giving any prior notice, issued the impugned proceedings, staying the construction being made by the petitioner. The petitioner submits that the first respondent has no authority to issue such an order. Questioning the impugned order of the first respondent, the present writ petition is filed.

Denying the allegations in the writ petition, the respondents filed counter-affidavit. It is stated that the powers assigned to the Urban Development Authority, pertaining to grant of building permissions/ approval of layouts as per G.O. Ms. No.451, MA, dated 26-8-1988, were re-transferred to the Gram Panchayats within the jurisdiction of Urban Development Authority, by G.O. Ms.No.408, MA, dated 8-8-1991. The petitioner started construction without obtaining prior permission from Gram Panchayat during the year 1994. It is stated that the petitioner got technically approved the plan from HUDA and forwarded it to the third respondent-Group

Executive Officer for necessary sanction. The third respondent without placing the matter before Gram Panchayat Committee, for sanction as required under Section 120 of A.P. Panchayar Raj Act, 1994, simply signed the plan. It is further stated that the petitioner is constructing the sheds contrary to the technical approval given by HUDA. Since the permission granted by the third respondent without getting the resolution passed by the Gram panchayat Committee, is improper and unauthorized, and the petitioner-firm is making constructions without observing the disallowed portions of buildings notified by HUDA, the first respondent has granted stay orders till finalisation of the case, inasmuch as the first respondent is appellate authority under Section 132 of old A.P. Gram Panchayat Act, 1964 read with G.O. Ms.No.770, PR, dated
21-7-1964, to pass such an order. Thus, the respondents pray to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

At the time of admitting the writ petition, this Court granted interim suspension and the same is still continuing.

The learned counsel for the petitioner submitted that the person-in-charge of the Pratapsingaram Gram Panchayat filed an appeal before the first respondent under Section 132 of the old A.P. Gram Panchayat Act, 1964 read with G.O. Ms.No.770, PR, dated 21-7-1964, seeking stay of the constructions being made by the petitioner-firm, contending that the third respondent-Group Executive Officer without placing the matter before the Gram Panchayat Committee for sanction as required under Section 120 of the A.P. Panchayat Raj Act, 1994, approved the plan of the petitioner, and the said appeal is pending. He further submitted that the petitioner wants to pursue the said appeal.

Having regard to the above submissions of the learned counsel for the petitioner, and considering the facts and circumstances of the case,
I deem it appropriate to dispose of the writ petition in the following terms:

The first respondent is directed to dispose of the appeal filed by the person-in-charge of Pratapsingaram Gram Panchayat in the matter of petitioner's constructions, expeditiously, after issuing notice to the petitioner. Till disposal of the said appeal, status quo existing as on today shall be maintained by the parties. No

costs.

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N.V. RAMANA, J

Date: 07-09-2004

Svv

To

1. The District Panchayat Officer, Rangareddy District at Hyderabad.

2. The Divisional Panchayat Officer, Ranga Reddy District East,
at Hyderabad.

3. The Group Executive Officer, Gram Panchayat, Pratap Singaram
village, Ghatkesar Mandal, Ranga Reddy District.

4. Two CCs. to Government Pleader for Panchayat Raj and Rural
Development, High Court Buildings, Hyderabad. (OUT)

5. Two CD copies.